

DOCKET FILE COPY ORIGINAL

94-129

From: Michael Lowe <"mlowe2@worldnet.att.net"@worldnet.att.net>
To: FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")
Date: 8/19/97 4:02pm
Subject: Slamming

RECEIVED

AUG 19 1997

Hello,

I am writing to you regarding the issue of slamming. I am the comptroller for Cardiovascular Physicians of North Atlanta, P.C. We recently were slammed for our long distance carriers and this is the second time this has occurred to us this year.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE ATTORNEY GENERAL

We have our long distance service with LCI Communications. We discovered that our service had been switched to AT&T without our consent. As a result, it has created a great deal of concern within our practice since it appears that our long distant carrier can be changed at a drop of a hat without our consent.

As the representative of this practice, I feel that there needs to be tougher action against slamming as your Commissioner Ness states. I feel that once you choose a carrier either for local or long distance, that only you have the right to switch to another. As a result, the consumer is at the mercy of all these phone companies.

When AT&T was deemed a monopoly and was broken up, the consumer was given a choice to choose. Now, it seems that choice is only a temporary state.

Thank you for allowing me to voice my concerns.

Sincerely yours,
Michael L. Lowe
Comptroller
Cardiovascular Physicians of North Atlanta, PC

(770) 343-8565

No. of Copies rec'd
List ABCDE

2

DOCKET FILE COPY ORIGINAL

94-129

From: "Ronald D. Edge" <edge@indiana.edu>
To: FCCMAIL.SMTPLM("slamming@comments.fcc.gov")
Date: 8/19/97 8:43am
Subject: response to web comments request

1. companies which participate in 'slamming' should have to refund any and all charges to the consumer, plus pay any charges due any other carriers affected as a penalty.

2. The very idea of a 'negative option' is so compeltely antithetical to our existing contract and common law, I am astounded that you even ask if it should be considered!! More and more scams are trying this, one of the latest being the company/bank on the east coast actually sending out live checks for several thousand dollars, made out to people without their prior knowledge or consent, as a loan. Signing the check agrees to the loan. Allowing negative options would open an incredible floodgate of abuse and cons and scams. NO, NO, NO.

Thanks,
Ron.

* Ronald D. Edge Manager of Information Systems
* Indiana University Intercollegiate Athletics 1001 East 17th St
* Bloomington, IN 47408-1590 vox: 812-855-4978 fax: 812-855-0448
* edge@indiana.edu <http://www.athletics.indiana.edu/>
*-> Now online: IU Outfitters Preview Catalog of Merchandise!
*-> Support the anti-Spam amendment - Join at <http://www.cauce.org/>

RECEIVED

AUG 19 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

No. of Copies rec'd _____
List ABCDE _____

94-129.

From: <Bstein094@aol.com>
To: FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")
Date: 8/19/97 12:24pm
Subject: Follow-up to Yesterday's Comments

After downloading and reading Report No. CC 97-36 "Common Carrier Action" dated July 15, 1997 and the FCC Slamming Fact sheet "Consumer Alert: Telephone Slamming" dated February 1996, I'd like to add the following comments to those included in my e-mail on this same subject yesterday, 18 August 1997:

In general, I agree with your proposed rule changes that would make it more difficult for common carriers to "slam" unwitting customers. However, I disagree with the level of penalties placed on the offending carrier.

Under the "Consumer Advice Column" you state: "Call the company that slammed you and let them know that you will only pay the charges your preferred carrier would have imposed." I strongly disagree with this. Why should a customer pay a carrier anything after they've perpetrated an illegal act. The offending carriers should be required to cancel any and all charges to the customer. Consider that the customer, having taken no action to bring on the intrusive and violating behavior of slamming, must now incur time and annoyance to return to his or her own carrier of choice, and straighten out any billing problems and switching charges, etc. Let the carrier that chose to use illegal practices and intrude on a customer's private arrangements suffer the economic consequences. Following this procedure, the customer would essentially receive free calls during the time any slam/switch was in effect and therefore wouldn't need to be reimbursed for lost frequent flyer miles, etc. The cost of this should provide an effective disincentive to companies considering slamming.

Under "Telemarketing Rules," I believe any agreement to switch must be confirmed with a written LOA from the customer before a switch is made. And there should be no time limit that says if the carrier hasn't heard from the customer within 14 days of mailing an information package, it can make the switch. NO WAY! If a customer chooses not to return a signed LOA, then as far as I'm concerned, it should to "No Sale."

Finally, both of your documents speak of "The Commission vigorously enforc[ing] its rules prohibiting slamming." This amounts to two consent decrees with payments of \$500,000. My reaction to that it's a slap on the wrist. It's pocket change for some of these companies. You're bad people. Don't do it again. So the offending company charges the \$500,000 to marketing costs for the slammed customers who didn't have the time or energy to fight the issue or switch back. The FCC needs to make it very clear that slamming will not be tolerated! Nor will deceptive means of obtaining signed LOAs. And if offending carriers have to pay for all calls made during an illegal slamming venture, in addition to more substantive fines, I believe they'll quickly get the message.

Thanks for listening. I applaud your current efforts, but hope you'll really stand up to stopping these illegal operations and not simply do wrist slapping for fear of limiting competition. Competition will only thrive in a trustful consumer environment.

Bill Steinbicker
15702 S. Woodgate Road
Minnetonka, MN 55345-4539
Phone: 612.931.9047
e-mail: Bstein094@aol.com

RECEIVED

AUG 19 1997

COMMUNICATIONS SECTION
FEDERAL COMMUNICATIONS COMMISSION

No. of Copies rec'd
List ABCDE

2

DOCKET FILE COPY ORIGINAL

94-129

From: "Sweely, Carl" <carl.sweely@cplc.com>
To: "slamming@comments.fcc.gov" <slamming@comments.f...
Date: 8/19/97 2:01pm
Subject: Slamming, personnal experience

I have personally been affected 5 times in the last year. The first three we argued and got it changed but had to pay the bill to the wrong company. The lat two we refused to pay to the wrong company. We have spent over 12 hours on the phone trying to get our long distance chnaged to who we asked. We were told they had a recording and would call back but never did. When calling back they said we called the wrong place.

Currently U.S. billing has us with Vista Group which we have never talked to. They may have called but did not give a name. Typically we get 2-3 calls a week of this nature. This is a lрге problem for a small business. As it takes a large amount of time to chase thsi down.

The numbers we have called are 10800-701-6000, 1-888-476-8724 and GTE our local phone company. GTE has been helpful but says they are at the mercy of the companies doing the changing and are not able to stop it. We have refused to pay the bills to the wrong company and have been threatened to have our phone sevice cancelled if we do not pay. We are willing to pay but unwilling to pay the wrong company. Can you help?

Recommendations. Place a note with all phone bills. IF this is not the long distance carrier of your chice and it has been changed without your consent mail information to (xxxx). This is to get the word out. I did not know who to call or who to ask. The local phone comapny provided no help(GTE). I found this by searching the WEB. If it was a problem it should show up!

Then prosecute to the fullest extent!!!! A few complaints should not be an alarm or problem, but those that repatedly do it Prosecute to the fullest extent!! Make the fines and prosecution impossible to bear. Make the law such that minor problems are handled as such, major violation get major punishment!!

Thanks for your interest.

Our business
Needmoor Inn
Clarksville, VA 23927
Proprietors Carl and Avonda Sweely
Phone 804-374-2866
Carl Sweely
919-362-2581
E-Mail Carl.Sweely@cplc.com

RECEIVED

AUG 19 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

No. of Copies rec'd
List ABCDE

2